

Slovak Baron Empey Murphy & Pinkney LLP
1800 East Tahquitz Canyon Way
Palm Springs, CA 92262

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JOHN P. ANDERSON, in his official capacity as the
Sheriff of Madera County, and individually,

Plaintiff,

v.

JACK DURAN, JR., in his purported official capacity
as Judge of the Picayune Rancheria of the Chukchansi
Indians Tribal Court;

DONNA HOWARD, in her purported official capacity
as Clerk of the Picayune Rancheria of the Chukchansi
Indians Tribal Court;

THE PICAYUNE RANCHERIA OF THE
CHUKCHANSI INDIANS, a federally recognized
Indian Tribe;

CHUKCHANSI ECONOMIC DEVELOPMENT
AUTHORITY, a wholly owned unincorporated entity
of the Picayune Rancheria of the Chukchansi Indians;
CHUKCHANSI INDIAN HOUSING AUTHORITY,
a wholly owned unincorporated entity of the Picayune
Rancheria of the Chukchansi Indians;

CASE NO. 3:13-cv-04825-RS

[Action filed: October 17, 2013

Assigned to: Hon. Richard Seeborg
Dept: Courtroom 3]

**[PROPOSED] ORDER RESCINDING
ORDER OF NOVEMBER 7, 2013
GRANTING DEFENDANTS'
MOTION TO CONTINUE HEARING
AND BRIEFING SCHEDULE ON
PLAINTIFF'S REQUEST FOR
PRELIMINARY INJUNCTION**

Slovak Baron Empey Murphy & Pinkney LLP
 1800 East Tahquitz Canyon Way
 Palm Springs, CA 92262

1 REGGIE LEWIS, in his purported official capacities)
 as chairman of the Picayune Rancheria of the)
 2 Chukchansi Indians; a representative of the)
 Chukchansi Economic Development Authority; and a)
 3 representative of the Chukchansi Indian Housing)
 Authority;)
 4 CHANCE ALBERTA, in his purported official)
 capacities as vice chairman of the Picayune Rancheria)
 5 of the Chukchansi Indians; a representative of the)
 Chukchansi Economic Development Authority; and a)
 6 representative of the Chukchansi Indian Housing)
 Authority;)
 7 CARL BUSHMAN, in his purported official capacities)
 as a council member of the Picayune Rancheria of the)
 9 Chukchansi Indians; a representative of the)
 Chukchansi Economic Development Authority; and a)
 10 representative of the Chukchansi Indian Housing)
 Authority;)
 11 IRENE WALTZ, in her purported official capacities as)
 a council member of the Picayune Rancheria of the)
 12 Chukchansi Indians; a representative of the)
 Chukchansi Economic Development Authority; and a)
 13 representative of the Chukchansi Indian Housing)
 Authority;)
 14 LYNN CHENOT, in her purported official capacities)
 as a council member of the Picayune Rancheria of the)
 16 Chukchansi Indians; a representative of the)
 Chukchansi Economic Development Authority; and a)
 17 representative of the Chukchansi Indian Housing)
 Authority;)
 18 DAVID CASTILLO, in his purported official)
 capacities as a council member of the Picayune)
 20 Rancheria of the Chukchansi Indians; a representative)
 of the Chukchansi Economic Development Authority;)
 21 and a representative of the Chukchansi Indian Housing)
 Authority; and)
 22 MELVIN ESPE, in his purported official capacities as)
 a council member of the Picayune Rancheria of the)
 24 Chukchansi Indians, a representative of the)
 Chukchansi Economic Development Authority; and a)
 25 representative of the Chukchansi Indian Housing)
 Authority.)
 26

Defendants.)
 27)
 28

1 This Court having received and considered Plaintiff's pleadings in opposition to Defendants'
2 Motion for Extension of Time to Continue Hearing and Briefing Schedule and good cause
3 appearing therefore, hereby rescinds its Order entered November 7, 2013, granting such extension
4 and reinstates its Order entered October 25, 2013.

5 All Orders set forth in the Order dated October 25, 2013, are hereby reinstituted and shall
6 remain in full force and effect.

7 IT IS SO ORDERED

8
9 Dated this _____ day of November, 2013;

10
11 _____
12 Honorable Richard Seeborg
13 United States District Court Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Slovak Baron Empey Murphy & Pinkney LLP
1800 East Tahquitz Canyon Way
Palm Springs, CA 92262

PROOF OF SERVICE

I am employed in the County of Riverside, State of California. I am over the age of 18 years and not a party to the within action; my business address is Slovak, Baron Empey Murphy & Pinkney LLP, 1800 East Tahquitz Canyon Way, Palm Springs, California 92262; 760/322-2275.

On November 7, 2013, I served the foregoing document described as:

[PROPOSED] ORDER RESCINDING ORDER OF NOVEMBER 7, 2013 GRANTING DEFENDANTS' MOTION TO CONTINUE HEARING AND BRIEFING SCHEDULE ON PLAINTIFF'S REQUEST FOR PRELIMINARY INJUNCTION

on all interested parties in this action as set forth below :

Alex Lozada, Esq. Rosette, LLP 193 Blue Ravine Rd., Ste. 255 Folsom, CA 95630 T: 916-353-1084 F: 916-353-1085 C: 4780-243-6513 E: alozada@rosettela.com E: dosterfeld@rosettela.com	Attorney for Defendants: Picayune Rancheria of the Chukchansi Indians, The Chukchansi Economic Development Authority, (CEDA) and the Chukchansi Indian Housing Authority (CIHA) "LEWIS FACTION"
Lester Marston, Esq. Rapport & Marston 405 W. Perkins Street Ukiah, CA 95482 T: 707-462-6846 F: 707- 462-4235 C: 707-972-5310 E: marston1@pacbell.net	Chukchansi Economic Development Agency (CEDA) The Picayune Rancheria of the Chukchansi Indians "AYALA FACTION"
David Rapport, Esq. Rapport & Marston 405 W. Perkins Street Ukiah, CA 95482 T: 707-462-6846 F: 707- 462-4235 E: drapport@pacbell.net	Chukchansi Indian Housing Authority (CIHA) "AYALA FACTION"
Gregory T. Fayard, Esq. Klinedinst PC 801 K. Street, Ste. 2100 Sacramento, CA 95814 T: 916-444-7573, Ext 4214 F: 916 444-7544 E: gfayard@klinedinstlaw.com	Attorney for Defendant Jack Duran, Jr. & Defendant Donna Howard Courtesy Copy Only- No Appearance Made

1 Melanie Daniel, Esq.
 2 46575 Road 417, Bldg. C
 3 Coarsegold, CA 93614
 4 T: 559-683-6633
 5 E: mdaniel@tcouncil.com

Courtesy Copy; Attorney for The Picayune
 Rancheria of the Chukchansi Indians
 ("Tribe"); CIHA; CEDA
 Nancy Ayala; Chairperson of the Tribe;
 Tracey Brechbuehl, Council Member of
 the Tribe; Karen Wynn, Council Member
 of the Tribe; Charles Sargosa, Council
 Member of the Tribe,
 "AYALA FACTION"

8
 9 [X] **(BY ELECTRONIC MAIL)** I am personally and readily familiar with the business
 10 practice of the firm for the preparation and processing of documents in portable document format
 11 (PDF) for emailing. I prepared said document(s) in PDF and then caused such document(s) on or
 12 about the date set forth above to be served by electronic mail to the above addressee(s) to the last
 known e-mail address as set forth herein from my e-mail address of sartain@sbemp.com and no
 undeliverable notice was received.

13 I declare that I am employed in the office of a member of the bar of this court at whose
 14 direction the service was made.

15 Executed on November 7, 2013, at Palm Springs, California.

16
 17
 18 /s/ Susan Sartain
 19 Susan Sartain
 20
 21
 22
 23
 24
 25
 26
 27
 28

Slovak Baron Empey Murphy & Pinkney LLP
 1800 East Tahquitz Canyon Way
 Palm Springs, CA 92262

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been filed electronically on this 7th day of November, 2013, and is available for viewing and downloading to the ECF registered counsel of record, if any, and has also been served by email as listed below.

Alex Lozada, Esq.
alozada@rosette.law.com

Les Marston, Esq.
marston1@pacbell.net

David Rapport, Esq.
drapport@pacbell.net

Melanie Daniel, Esq.
mdaniel@tcouncil.com

Gregory T. Fayard, Esq.
gfayard@klinedinstlaw.com

DATED this 7th day of November, 2013.

SLOVAK BARON EMPEY MURPHY & PINKEY, LLP

By: /s/ Thomas Slovak (CASB# 62815)
1800 East Tahquitz Canyon Way
Palm Springs, CA 92262
Tel: 760-322-2275
[E-mail: sartain@sbemp.com](mailto:sartain@sbemp.com)
Attorneys for Plaintiff

Slovak Baron Empey Murphy & Pinkney LLP
1800 East Tahquitz Canyon Way
Palm Springs, CA 92262